

Constitutional Conversation

No.16 — SPRING 2023



LESSONS FROM THE VOICE VOTE

The model is the key to success

The Albanese Government must not only recommit to a republic referendum but also implement as soon as possible a workable and inclusive long-term process to secure other beneficial constitutional reforms.

One of the lessons from the unsuccessful Voice referendum is that people need to see, understand, and be comfortable with the model being put to them for approval.

That can best be achieved by investing time and energy through a non-partisan process involving Australians themselves, not politicians, in assessing constitutional reform proposals.

The government needs to flesh out urgently its proposed Australian Constitutional Commission so everyone can see what is being proposed in terms of a longer-term plan for reform.

Besides a republic, there are proposals for beneficial constitutional reforms such as four-year terms for federal parliament and recognition of local government in our Constitution. But it is no good handling them in a piecemeal manner.

We need a non-partisan process involving the Australian community that delivers outcomes if we are to achieve real reforms.

A republic referendum, like all others, will ask eligible Australians to vote "yes" or "no" to a question, so all need to be engaged and informed.



All referendums seek a 'yes' or 'no' vote

By **DAVID MUIR AM**
Chair




The Real Republic Australia has released its own suggested [roadmap for reform](#) that involves new bodies we call Australian Constitutional Assemblies based on [Citizens' Assemblies](#) used successfully in Ireland to achieve constitutional and law reforms.

Our suggested Australian Constitutional Assemblies would comprise 99 average voters proactively chosen to broadly reflect the composition of the wider Australian community.



A Citizens' Assembly at work

Led by an independent expert chair, each Assembly would examine a proposed reform, hear evidence, filter facts from fictions, and report its recommendations to the federal government which would decide when to hold any referendum.

In the case of a republic we believe such an Assembly should shortlist workable republic models which should be put to voters in a non-binding plebiscite with the most popular model then proceeding to a referendum.

CONTINUED NEXT PAGE:



Real Republic Australia CEO, Peter Johnstone, and Dave Sharma in Sydney

Continuing our conversations

Representatives of the Real Republic Australia are continuing to discuss with a wide range of people the issue of our nation becoming a republic as well as other potential constitutional reforms.

In Sydney recently we caught up with former federal MP Dave Sharma.

While not expressing a preference for any specific republic model, Mr Sharma was very interested in discussing constitutional reform and ways we might achieve it.

The Real Republic Australia believes it's important for Australians to start discussing the republic issue now and not wait until a referendum is upon us.

In particular we want to ensure Australians in regional, rural, and remote areas are engaged in the debate which we do not want to see dominated by those in Sydney or Canberra.

The Constitution belongs to all Australians and we all need to take an informed interest in potential reforms that can deliver benefits to all of us.

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FACTS IMPROVE ODDS OF SUCCESS

FROM FRONT PAGE:

In that way the model on the ballot paper will not belong to the government, politicians, nor the Real Republic Australia or the Australian Republic Movement or any other group. It will be the people's preferred choice and it will have the best chance of success.

That process will also help make Australians familiar with the model being proposed which is important because although it may be simplistic, it's also true – people will not vote for a blank cheque.

The Albanese Government needs to say if its proposed Australian Constitutional Commission is a body similar to the Real Republic Australia's proposed Australian Constitutional Assembly anchored in the Australian community.

We need such details because if the Commission is open to political point-scoring or its membership does not reflect the wider community, it may have limited effect and could damage the chances of future referendums.

Offering the right model at a future republic referendum is crucial. Giving people a say through a plebiscite to pick the republic model going to a referendum is essential, and spending time informing voters early and answering their questions is one way to avoid misinformation that can sink a referendum.

The previous republic referendum in November 1999 largely predated widespread use of the internet and certainly predated social media as we know it today.

Unfortunately social media has proved a fertile field for spreading all sorts of misinformation and who knows what bizarre and baseless claims will emerge about an Australian republic, or even about four-year terms, and local government recognition?

The more factual information voters have about any referendum proposal and the sooner they have it will increase its chance of success.

As the republic debate approaches.....

LET'S ALL STAY ON THIS PLANET



Public commentary in the lead-up to the 14 October referendum on the First Nations' voice to federal parliament saw allegations from both "yes" and "no" campaigners that their opponents were peddling baseless claims about what the central proposition would mean if enacted.

Some claims were wildly inaccurate – some might say "off the planet" – yet gained sometimes wide currency especially in online forums.

As we now look towards another republic referendum we consider some of the baseless claims or myths that often arise when an Australian republic is discussed. Republic supporters should correct any false claims when they are detected.

To have a sensible and productive public debate, it must remain grounded in the facts.

MYTH: An elected Head of State will make Australia just like the USA and allow someone akin to Donald Trump take over the government.

No mainstream pro-republic group is proposing constitutional changes to make Australia's government a replica of America's.

In the major models put forward so far the Head of State continues to perform largely ceremonial roles under a set of codified powers and, like the current Governor-General, will continue to act in accordance with advice from the government.

MYTH: An elected Head of State will be a rival to the prime minister because they will claim they have a mandate in their own right from voters.

Under the model proposed by the Real Republic Australia the only mandate an elected Head of State could claim is to be the representative of the Australian people acting strictly within codified powers outlined in the Constitution or acting only on the advice of the elected government.

MYTH: Becoming a republic means we will scrap the current Australian flag.



No, it doesn't. Changing the flag is a totally separate debate and one which the Real Republic Australia does not include in its advocacy for a republic.

Such a debate may or may not follow a successful republic referendum but any decision to change the flag is one that should be taken entirely separately by the Australian people.

MYTH: Becoming a republic means we will automatically no longer mark Australia Day on 26 January each year.

Like the national flag, any decision to change the status of Australia Day would not automatically follow a successful republic referendum. But the Real Republic Australia does recognise that there may be some sense in adopting the day we become a republic as our national day marked each year.

This could mean a new and more inclusive day on which to mark such a significant evolution in our country's history.

However, we do not promote any position on Australia Day for or against its retention on 26 January.

MYTH: The republic debate disrespects King Charles III and the entire Royal Family.

The campaign for a republic should never involve denigrating or disrespecting members of the British royal family.

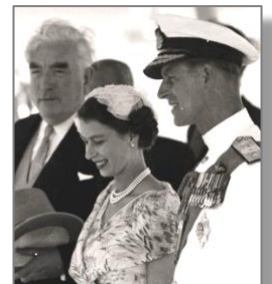
There is nothing disrespectful in using the democratic processes available to us to ensure Australia has an Australian as its Head of State.

The decision is ours to make, and that fact has long been recognised by members of the royal family itself.

British royals – including the late Queen Elizabeth, the late Duke of Edinburgh, and King Charles III as the then Prince of Wales – have all said that they would respect any decision we make to become a republic.

MYTH: Once the British monarch is no longer our Head of State there will never be another royal visit to Australia.

There is no reason any member of the British royal family would not continue to visit and be welcome in Australia just as members of royal families from other nations are welcome to visit, and just as British royals are made welcome when they visit republics elsewhere in the world.



Royal tours ... to continue

CONTINUED NEXT PAGE:

Some common republic myths

FROM PREVIOUS PAGE:

MYTH: Once we become a republic, Australia would automatically have to leave the Commonwealth.

No. We would remain as an active member of the Commonwealth.

As a republic we would be joining the [36 other republics](#) that make up the 56-strong group of nations led by King Charles III, who has taken over the role as Head of the Commonwealth filled so admirably by his mother the late Queen Elizabeth II.

MYTH: Leaving the Commonwealth means Australian athletes would never again compete in the Commonwealth Games.

Because we would remain a member of the Commonwealth, Australia would still send athletes to compete in the Commonwealth Games.

MYTH: We don't need to become a republic to have an Australian as our Head of State because the Governor-General is our Head of State and since the 1960s it's always been filled by an Australian.


Some monarchists regularly use this argument despite not even Buckingham Palace nor an avowed royalist such as ex-prime minister John Howard believe a word of it.

Monarchists point to a 1907 decision by the High Court of Australia (HCA) and place their own self-serving interpretation on the wording of specific parts of the judgement. The HCA case settled a dispute about the process for filling a Senate vacancy in South Australia and did not make any assessment on who is or is not our Head of State.

The words monarchists cite refer to the role and actions of the SA Governor "as the constitutional head of the state" and clearly apply to their role in filling a Senate vacancy. The words "constitutional head of the state" mean something entirely different to "head of state".

Similarly, the HCA's words describing the Governor-General as "the officiating constitutional head of the Commonwealth" simply mean that the Governor-General is the person designated by the Constitution to ensure the processes it outlines are followed.

We have previously rebutted this argument, most recently in our [last quarterly newsletter](#).



THE COMMONWEALTH

- **56** member nations
- **36** are republics
- **15** have King Charles as Head of State
- **5** have their own monarchs

Didn't see that one coming!

No doubt one of the first steps the leaders of the "yes" and "no" camps in the just-ended referendum campaign took when they met to plan their tactics was to predict the arguments their opponents would deploy.

Each side would have drafted a lengthy list of potential rebuttals to claims likely to undermine their case as well as positive arguments in favour of their position. That is standard practice for anyone engaged in a debate, whether you are part of a national referendum campaign or a member of your high school debating team.

It's a fair bet though that the "yes" team did not foresee that some Australians would argue against enshrining a voice to parliament in our Constitution on the grounds that it would enable [the United Nations to assume control of all land in the nation](#). A variation of the same fake argument that apparently gained wide circulation on social media outlets claimed [the voice entity itself could grab everyone's land](#).

These arguments are cited simply to state the obvious – that in the age of social media false, misleading, and destructive



arguments can spread far and wide very quickly.

We always strive to combat fake arguments against a republic and especially those that seek to misrepresent a republic with a genuine directly Head of State.

But who knows what arguments republic opponents will try to sell between now and a future referendum day?

The best inoculation against misinformation is to equip people with the facts which is what we try to do through this newsletter and other avenues.

All republic supporters need to be vigilant and prepared to demolish fake arguments as soon as they appear.

LINDSAY MARSHALL
Editor

Writer poses the right question

Australian novelist and advocate for a republic, Thomas Keneally, recently posed an apt question about constitutional reform.

In [an article written for The Guardian Australia](#) he examined the very human foibles of some of the revered "founding Fathers" who drafted and formalised the document before it.

Keneally focusses on people like Edmund Barton, Alfred Deakin, and Charles Kingston. Although his commentary was written in the context of the recent voice to parliament referendum, it makes

valid points that should be borne in mind as we head towards another republic referendum.

Keneally says the three were "obviously talented men" but also "fallible". They helped achieve a Constitution but also mar it with the absurd prejudices of the day".

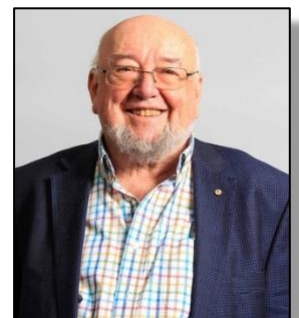
A case in point being [Section 25](#) which allows states not to count "persons of any race" who are disqualified from voting at state elections when "reckoning the number of the people of the state or of the Commonwealth".

This section, he says, was framed

as "a sop" to states such as South Australia "exempting them from paying for the federal government per head of Aboriginal inhabitant, and was influenced too by the then uncriticised view that Indigenous Australians would die out as a race."

Keneally says today the section "reads like something belonging to another planet, not just another polity: the total denial of political attention to an entire race".

He adds that the "founding Fathers" – there were no women involved – provided in the Constitutions "means for us to alter it".



Thomas Keneally

"So the question is not how dare we alter the Constitution, but how dare we not? What sort of people are we if we don't amend it in terms of what has happened since 1900? For those men lacked infallibility and so did their constitution," Keneally says.

Meeting the mayors

Local leaders have a key role to play in achieving constitutional change

The Real Republic Australia does not limit its advocacy to a genuine directly elected head of state in an Australian republic.

It campaigns for a republic within the context of wider reforms including the recognition of local government in the Constitution.

This reform would remove uncertainty over the legality of direct federal funding of local government, meaning more efficient administration and a more efficient Federation.

As the Australian Local Government Association's [comprehensive report on the history of the recognition issue](#) explains, such uncertainty arose from court rulings and should be addressed through constitutional amendment.

Two previous efforts in 1974 and 1988 to amend the relevant [Section 96 of the Constitution](#) by referendum failed.

The Real Republic Australia believes local government has a big role to play in the wider campaign for a republic as well as other constitutional reforms to improve the governance of our nation.

We believe that if we are to achieve an Australian republic and other beneficial constitutional reforms, our best chance is through an unavoidably lengthy but reasoned and factual process of discussion and debate of the issues involved.



Cr Pascoe-Bell



Cr Reily

That's why we took the opportunity to talk to mayors of numerous councils across Australia while they were attending the [Asia Pacific Cities Summit and Mayors' Forum](#) held in Brisbane in October.

The mayors who were kind enough to meet us were Cr Athina Pascoe-Bell of the City of Palmerston in the NT; Cr Neil Reily of Kiama Municipal Council in NSW; Cr Wayne Thorley of the Rural City of Murray Bridge in SA; and Cr Michael Hewitson of the City of Unley in SA. Prior to the conference we held a phone hook-up with the Mayor of the Toowoomba Regional Council in South East Queensland, Cr Geoff McDonald.

All of the mayors were attuned to the need for constitutional reform, notably the recognition of local government in our Constitution which can deliver tangible benefits and savings to taxpayers and ratepayers. All of them also recognised the unique and largely bipartisan position of local government that is a plus when it comes to public debates on constitutional reforms.



Mayor of the Rural City of Murray Bridge in SA, Cr Wayne Thorley, and David Muir, chair of the Real Republic Australia



Cr Hewitson



Cr McDonald

Partisan politicking has proved to help sink reasonable proposed reforms in the past.

Those involved in local government – being a largely non-partisan level of government – can play an important role in advancing constitutional changes that can deliver real reforms and real benefits to our nation and to all Australians.

Jamaica clears the decks for republic vote

Jamaican voters are not likely to vote on whether the Caribbean island nation should become a republic until after general elections are held in 2025.

Minister of Legal and Constitutional Affairs, Marlene Malahoo Forte, [said](#) a stand-alone referendum would be conducted on the republic question but not until after local government elections were held in early 2024 and a scheduled general election in 2025.

The Jamaican Government plans to legislate changes to the Constitution to establish a

republic followed by a referendum seeking voters' approval of the change.

Ms Malahoo Forte said the republic referendum should stand on its own merit by being separate from the other elections.

"The current Constitution contemplated all of this and it's quite permissible to have the referendum in another parliament" she said. "So, we can pass the [republic] law in this parliament and carry the referendum over to the next parliament."

Ms Malahoo Forte said it was

essential to avoid rushing the process to ensure Jamaicans were well-informed about the proposed changes to their Constitution.

Waiting until after the two elections would provide time for public education efforts, enabling voters to make informed decisions at the referendum.

"It's going to require a lot of maturity and a mature conversation between the ruling Jamaica Labour Party and the opposition's People's National Party," she said.

"It would be a travesty if we



Marlene Malahoo Forte

went to the people competing whilst we are on the issue of abolishing King Charles the Third as our Head of State."

Participation builds public trust

UK-based advocate for open government, **TIM HUGHES**, believes public participation in Britain's constitutional, parliamentary, and government processes



is one way to reverse growing distrust in political systems and the threat that can pose to democracy itself. His view has application here in Australia and elsewhere.

Public trust and citizen engagement are widely considered to be mutually reinforcing. Increased public trust means citizens are more likely to engage with institutions, while increased engagement means that institutions are more likely to perform well and be trusted.

There is no precise blueprint to follow for increasing citizens' role in democracy, but there are lots of examples from across the globe that politicians and policy makers can draw on and use to inform the creation of a new relationship with citizens.

No single country has the solution and all suffer from similar issues of democratic malaise, but through considering the innovations that each is trialling, it is possible to begin to piece together what a more robust and vibrant democracy could look like.

A first step towards tackling citizen discontent and renewing democracy could be to involve citizens in reviewing the constitution itself.

It is important that the 'rules of the game' by which our democracy functions work in the public interest, and are decided outside of party political and other vested interests. But currently, constitutional change is driven by the party of the government of the day and their (often narrow) interests.

The constitution is most likely to serve citizens if it is defined and revised by them, rather than other vested interests. The case for public involvement in constitutional issues has been recognised elsewhere.

In many democracies, including Australia, Denmark, Ireland, Japan and Switzerland, proposals for constitutional change must be approved in referendums.

In recent decades, where countries have established new constitutions, citizens have played a key role. For example, in South Africa, in 1995, President Nelson Mandela led a large-scale constitution making process to involve the public in drafting the new constitution.

Similar processes involving the public in constitution making have taken place in Brazil (1987), Kenya (2010), Iceland (2011), Egypt (2012) and Zimbabwe (2013).

Taking the example of Ireland, a public referendum is required for constitutional changes to be made, enshrining citizens' role in constitution making.

However, while positive in giving citizens control over how they are governed, this requirement presented its own challenges in making some constitutional reforms involving contentious social issues – for example, marriage equality, abortion and gender equality – difficult to address.

This led to a further innovation in 2013, when the Irish Parliament held a citizens' assembly – where a representative group of citizens came together to deliberate and make recommendations – on a number of constitutional issues, including equal marriage.

'A first step towards tackling citizen discontent and renewing democracy could be to involve citizens in reviewing the constitution itself.'

This helped to inform the proposal that subsequently went to a referendum and a similar process has since been used on a number of other issues.

Further afield, in 2017, Mongolia passed a law requiring that a deliberative poll – an intensive dialogue and polling methodology with a representative sample of the population – must be run on any proposed amendment to the country's constitution.

Here in the UK, in autumn 2021, the [public advocacy groups] [Constitution Unit](#) and [Involve](#) held a citizens' assembly to address the question: "How should democracy in the UK work?"

The assembly, made up of 67 citizens selected via random stratified sampling, met over six weekends to learn, deliberate and make recommendations on democratic reforms.



An Irish Citizens' Assembly at work

The results help illustrate how a group of citizens from different walks of life, when given access to information and experts and time to deliberate, would want the UK's democratic system to function.

Five of its resolutions – all approved by the vast majority of its members – relate to an enhanced role for the public in the system:

- "We believe that the UK public as a whole has to become more engaged with the existing opportunities to influence our representative system (voting, contacting MPs, supporting or joining political parties or campaign groups) but we don't think that will happen unless people have more reason to believe that they can make a difference." (98% support)
- "We believe that a good democracy in the UK needs voters who are engaged, well informed and able to consider other points of view and opposing arguments in a constructive way." (97% support)
- "We believe that petitions are an important way for the public to influence government policy and what is debated in parliament, and that the use of petitions should be extended." (83% support)
- "We believe that referendums are an important tool for direct democracy that can add to a good democracy in the UK by handing important decisions back to the people." (83% support)
- "We believe that deliberative processes like citizens' assemblies should be used more often by governments and parliaments throughout the UK to understand the views of the public." (90% support)

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Nations work to improve involvement

FROM PREVIOUS PAGE:

To help enhance citizen participation in decision making, stronger legal requirements could be introduced to provide citizens with enhanced rights.

The [Kenyan constitution](#), for example, places the nation's citizens at the centre of development and related governance processes and provides for public participation as one of the principles and values of governance.

Similarly, a significant number of other countries have a legal mandate for participatory rule making.

Parliament could require that any new legislation that comes before it should be accompanied by a citizen participation report, setting out in detail how citizens have been involved and their views taken into account in the development of a bill.

A large number of countries are experimenting with the use of citizens' assemblies, and other forums, for public deliberation, and there have already been a number of such experiments in the UK.

The UK parliament has held two citizens' assemblies to date, on social care reform and achieving net zero. The Scottish government has similarly held two citizens' assemblies on the future of Scotland and tackling climate change, and a large number of [UK] local councils have held assemblies on a wide range of topics, from addressing congestion to overcoming hate crime.

This form of deliberative public engagement offers the potential to address complex and challenging issues in an informed and non-adversarial way – helping decision makers to move issues out of the 'too-difficult box'.

The [Constitution Unit and Involve's] citizens' assembly on democracy in the UK (*previous page*) recommended that "deliberative processes should be held on important but divisive issues, on new proposals that were not in the government's manifesto, and to help understand local perspectives".

Online participatory mechanisms offer a wealth of opportunities for involving citizens in the governance process.

In Estonia, following a political financing scandal, a people's assembly process was held in 2014 to make recommendations for democratic reform.

One of the reforms that emerged was a collective petitioning right – "rahvaalgatus".

The [Rahvaalgatus.ee](#) portal enables citizens to write proposals, hold discussions and compose and send digitally signed collective

Voter assemblies can deliver real reforms

The Real Republic Australia promotes greater involvement of voters in the process of constitutional reform.

In the "roadmap" for achieving a republic and other beneficial constitutional reforms we released in 2021 we proposed a system similar to the Citizens' Assemblies that are operating in Ireland with great success.

Our suggested series of Australian Constitutional Assemblies would involve at least 99 voters identified by sampling techniques to reflect the broad make-up of the Australian population. Each assembly would be led by an independent chair who would report its findings and recommendations to the federal government.

The new assemblies would provide the vehicles for achieving a long-term program to examine specific ideas for reforming the Australian Constitution and delivering beneficial reforms.

We believe this process, as shown in Ireland, would remove partisan politics from the process and allow for real reforms to be considered in a sensible, factual, and inclusive manner which would enhance the prospects of success for any subsequent referendum.

addresses to the Estonian parliament and local government.

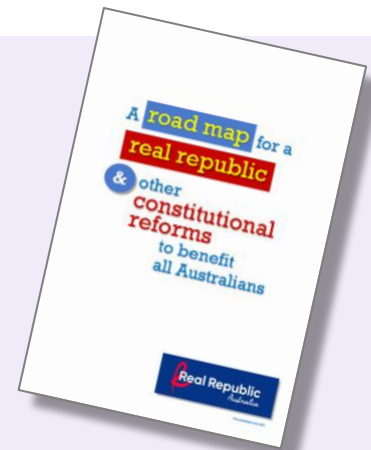
Citizens can submit a proposal on how to amend existing regulations or improve society, which needs at least 1,000 signatures in support by Estonian citizens over 16 years old.

The Rahvaalgatus.ee platform allows citizens to track their proposal and see whether it will become a draft act or how the institution decides to solve the relevant problem.

However, reform has not stopped there – now, a number of government ministries are working together with civil society to co-create a government-wide tool for legislative drafting and co-creation that will enable citizens to participate in different stages of the law making process.

Once the tool is ready, it will combine at least three websites (including Rahvaalgatus.ee), creating a one-stop shop for citizens to engage with law making.

Government agencies will be required to use it for all policy making, enabling citizens to follow the entire lifecycle of policy making,



Read in full our [Roadmap for a Real Republic and other constitutional reforms](#)

The Albanese Government has proposed an Australian Constitutional Commission to carry out a similar role but is yet to provide full details.

It is hoped that the proposed commission is, like the Irish and other processes, based on the involvement of average voters who can assess potential constitutional amendments and through their work and recommendations help eliminate blatantly false, misleading, or politically motivated arguments against beneficial reforms.

The success rate for referendums – even for obviously beneficial changes – in Australia is not high. Involving voters much earlier in the process would make a big difference.

complete with edit history, records of meetings with and input from interest groups, and reasoned response.

The challenge in the UK is to move beyond one-off participatory and deliberative processes – of which there have been many – to embed mechanisms, resources and capabilities for citizen participation across government and parliament, and shift cultures and attitudes to the role that citizens can play.

Experience has shown that it is not citizens' capabilities that challenge their involvement – they are highly capable – but the willingness and ability of existing institutions and actors to integrate public views.

[Tim Hughes](#) is democracy and participation lead at the [Open Government Partnership](#) whose 75 member nations and 104 local government members promote transparent, participatory and accountable government. This is an edited version of an article first [published](#) by the UK-based [Institute for Government](#).

Singaporeans elect their ninth President



KEY FACTS

Republic of Singapore

Top job includes integrity oversight role

Voters in Singapore chose economic expert and former cabinet minister and deputy prime minister, Tharman Shanmugaratnam, as their President and Head of State at elections held in September.

Mr Shanmugaratnam won more than 70% of the vote against two other candidates at the [election](#) held on 1 September.

He assumed office as the Republic of Singapore's ninth President on 14 September.

Financier and entrepreneur [Ng Kok Song](#) secured almost 16% of the more than 2.5 million [votes cast](#).

Businessman [Tan Kin Lian](#) who ran unsuccessfully at the 2011 election and consequently lost his deposit (*see Eligibility Criteria below*) won almost 14% of votes.

As required by law all three candidates contested the poll as independents with no political party affiliation.

Mr Shanmugaratnam replaced Halimah Jacob, a former Speaker of the Singapore Parliament who was elected in September 2017 as the nation's first female President.

The [Constitution of Singapore](#) provides for six-year terms for the



Tharman Shanmugaratnam

President with no term limits.

After gaining independence from Malaysia in 1965 the position of President of Singapore was established as Head of State and was a largely ceremonial position filled by a person appointed by the nation's parliament.

Constitutional amendments in 1991 provided for the President to be elected directly by voters with the first such election held in 1993.

A further amendment to the Constitution in 2016 allows for a presidential election to be

reserved for one of Singapore's major ethnic communities – Chinese, Malay, or Indian and other communities – if no person from the community has been President for the previous five presidential terms.

The constitutional reforms of 1991 that enabled the direct election of the President also saw the office given the ability to exercise [discretionary powers](#) in key areas.

These include the ability to veto government budgets if they threaten national financial reserves held in a number of funds and public entities [specified in a schedule](#) attached to the Constitution.

To ensure the impartiality of the public sector and government companies, the President can veto the appointment or the removal of key public sector office holders listed in the Constitution such as the Chief Justice, Judges of the Supreme Court, the Attorney-General, Auditor-General, Director of Corrupt Practices Investigation Bureau, Chairman and members of the Public Service Commission, Chief of Defence Force and the Commissioner of Police.

The President can also overrule objections by the prime minister to investigations by the [Corrupt Practices Investigation Bureau](#).



Halimah Jacob

- Located at the southern tip of the Malay Peninsula.
- Comprises the large Singapore Island and more than 60 other smaller islands.
- Covers 719 sq kms – 709 sq kms of land and 10 sq kms of water.
- Population 5.9 million – major ethnic groups are: Chinese 74.2%, Malay 13.7%, Indian 8.9%, other 3.2%.
- Legal system – English common law.
- Universal suffrage, voting age 21+, compulsory first-past-the-post voting.
- Multi-party parliamentary republic with a unicameral parliament with five-year terms.
- A Westminster-style cabinet government led by a prime minister.
- Directly elected President with powers outlined in a written Constitution
- A member of the Commonwealth.

Investigations may be continued with the President's concurrence even if a prime minister does not consent to them.

When exercising discretionary powers the President must consult the [Council of Presidential Advisers](#).

As in other Westminster-style systems the Prime Minister of Singapore, Lee Hsien Loong, is the effective head of the executive government.

Presidents exercise their non-discretionary powers in accordance with the advice of the nation's prime minister, cabinet, or relevant minister.

The Singapore Government has the authority to remove the President on a motion of the parliament.

ELIGIBILITY CRITERIA

Singapore's electoral laws outline [specific criteria](#) for anyone seeking to nominate for election as President. Nominees must be at least 45 years of age, a citizen and resident of Singapore, hold no political party affiliations at the time of nomination.

Nominations are required [to be supported](#) by at least six people registered to vote in Singapore and would-be candidates must lodge a S\$40,500 security deposit.

The [Presidential Elections Act 1991](#) provides for a Presidential Elections Committee to issue certificates of eligibility to candidates.

If the committee deems only one candidate eligible for election or re-election, no election is held. This year's election was the first contested poll since 2011.

Candidates who fail to secure at least one-eighth of total votes cast forfeit their deposit.

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Singapore offers some ideas for an Australian republic

First speech points to arguments for direct election



President Tharman Shanmugaratnam speaks at his inauguration

In his inaugural address President Tharman Shanmugaratnam of Singapore noted that while many of his roles and responsibilities were defined in the nation's Constitution and could be exercised only on the advice of the government, his position still carried powers that he could exercise at his own discretion (See previous page). He also said his position gave him the ability to take a special interest in specific issues, or champion causes close to his heart. Below we examine several key passages from [his speech](#) which echo some of the beneficial features of a genuine directly elected Head of State in an Australian republic as advocated by the Real Republic Australia.



President's speech

"The President, as the Head of State, holds a non-partisan office in our system of governance.

"Precisely because the President stands above the political fray, he or she can be a symbol of the nation, and be effective in uniting all Singaporeans, regardless of race, religion or other differences."

"As President, with the strong mandate you have given me, I intend to work with the government, community groups and other voluntary organisations, and the entire nation to strengthen our multi-racialism, and nurture a more inclusive society.

"I will do my utmost to support initiatives that deepen the respect we accord to our fellow citizens, of all backgrounds and in every walk of life - the respect for all that is at the heart of our solidarity as Singaporeans."



A genuine directly elected Head of State in an Australian republic could also act as a non-partisan, unifying presence in our system of government.

Such an individual could also play a unifying role in our nation and be representative of all Australians.

Our current Head of State, the British monarch King Charles III, is not a symbol of our nation despite the dedication he may bring to his constitutional role.

The major focus for any British sovereign is and will always be Britain, not Australia.

An elected Head of State would be able to engage Australians on a totally non-partisan level – well above the fray of divisive political arguments.

Such a role would help and as such would help build and protect faith in our system of democratic government that can so easily be placed at risk.

The M-word – "mandate" – is often used by opponents of directly elected Heads of State.

Critics of the genuine direct-election republic model proposed by the Real Republic Australia claim a directly elected Head of State would have their own "mandate" from voters, and would become a rival source of power within Australia's system of government.

However, those critics never explain how such a rivalry would ever become a reality given that the elected government led by the prime minister and cabinet would always maintain control of the executive government.

They also never explain how an elected Head of State – with strict limits placed on their roles and powers as codified in the Constitution – could ever directly control the Federal Parliament and its legislative processes.

The "mandate" the Real Republic Australia sees as evolving through the direct-election model is – as the Singaporean President has said – one that vests the Head of State with the ability to foster debate on non-partisan matters of interest to all Australians.

In the case of President Shanmugaratnam he has identified social cohesion in multicultural Singapore as a priority subject for him to advocate and work towards in his term of office.

CONTINUED NEXT PAGE

New President's speech offers pointers

FROM PREVIOUS PAGE



President's speech

"Unfortunately, COVID-19 will not be our last crisis. We must gird ourselves for more crises in a far more uncertain and volatile world.

"There are also longer-term threats to Singapore's existence and the lives of future generations.

"Climate change will be a defining challenge for the world, and especially so for a low-lying island."

"As President, I will promote greater interactions between our different communities, even as we ensure the vibrance of our different cultures.

"I remain committed to making Singapore a more inclusive and socially just society, which has been my life's purpose.

"Government policies have shifted significantly to help us achieve this, and they remain essential.

"But to build a truly inclusive society, we need something more, that involves all of us.

"We must build a strong culture of kinship and respect, where we empathize with our fellow citizens, bring out the best in each other, and feel that we only truly succeed when we succeed together."

"I plan to lend active support to the arts and sports. Singapore has made significant strides in both areas over the years.

"Yet in both fields our best years are ahead of us.

"By nurturing every talent in the arts and sports and supporting them through their journeys, they will inspire us all."

"I will do my best to represent Singapore and promote our interests abroad, in line with the objectives and priorities of the Government.

"As President, I will do my part to reflect Singapore's values and views and to enhance our standing amongst the community of nations.

"I will work to deepen existing partnerships and build new ones."



President Shanmugaratnam has shown in his speech at his swearing-in that an elected Head of State can choose not to be restricted to making only fatuous and empty speeches, but may canvass big issues, especially ones directly impacting on his nation's future.

At the same time, he has illustrated how that can be achieved in terms of leading, initiating, or participating in public debates without straying into party politics.

As noted above, Singapore's new President plans to spend a lot of his time and energy in reinforcing the need for the multicultural nation to maintain a commitment to being a more inclusive and just society.

Again, this is an issue that should be above partisan politicking.

Unfortunately in some countries unscrupulous politicians seek to divide societies on racial, ethnic, or cultural lines to score political support.

A directly elected non-partisan Head of State can lead by example in combating the negative effects of such cheap politicking and by doing so build a stronger and more resilient society.

Once again these remarks are a reminder that Heads of State can play vital roles in advocating non-partisan issues or activities that enrich the wider community.

The new President's promise to promote Singapore's arts sector is reminiscent of the role played by the Republic of Ireland's directly elected President, Michael Higgins, in [actively promoting](#) Irish artists, musicians, writers, and others whose works reflect his nation's history, character, and creativity.

These comments underline the fact that a Head of State elected directly by voters on a national basis can embody and promote their nation's interests on the world stage.

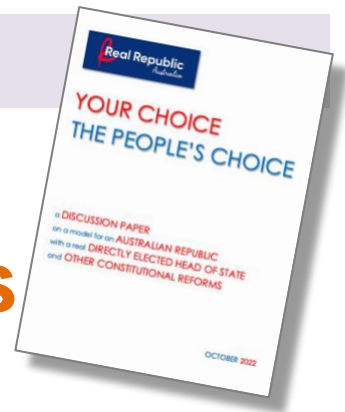
They can be more effective and carry more authority when travelling abroad than one chosen by politicians who may be seen as inferior to one actively chosen by the people of a nation.

A genuinely directly elected Head of State in an Australian republic would certainly be viewed as a genuine representative of our nation when compared with the current arrangement under which the hereditary British monarch prioritises British interests when abroad and not Australia's.



DISCUSSION PAPER RESPONSE

The Real Republic Australia's [discussion paper](#) on its model for a genuine directly elected Head of State released in October last year continues to generate feedback on its proposals as well as suggestions for alternative approaches to reforming our nation's governance.



Some want bigger changes

FEEDBACK:

Both the Real Republic Australia and the Australian Republic Movement purposefully seek to avoid any consideration or discussion of the merits of a presidential executive democracy of which there are a number to consider. That subject is off the table?

Considered either in the too hard basket, or more probably not wanted, for fear of instigating the demise of the archaic Westminster component that makes our federal republic a hobbled hybrid.

A feathered nest for power and political party players.

In both organisations the limited vision of simply removing the monarchy from the Head of State and replacing it with one of us, will suffice.

In short it is seen as the least line of resistance, most likely to succeed, job done, we can all call ourselves a republic. If this is how this historic opportunity plays out it will be tragic for all Australians.

The need for review and renovation is obvious and urgent, but the opportunity is going to be squandered!

It is a self-evident truth, that public faith and confidence in the political process and democracy has been seriously eroding for years now.

The primary vote and underlying membership of the main political parties in Australia are very low reflecting this parlous state.

Instability within the parties is obvious. Instance the leadership carousels of the former Labor governments and the internal chaos of the recent Coalition government.

It is clear that the last Coalition governments' shocking dereliction of responsibility and the instability of the previous Labor government, were caused by structural issues

now rusted into the Westminster parliamentary system.

Prime ministers are made and destroyed in the party room.

They never have the personal public mandate and authority of a president with executive authority. A prime minister in the Westminster system does have enormous power but lives daily with paranoia and fear.

Strong decisions and the resolve required of any leader to make hard and perhaps unpopular decisions from time to time are frequently avoided because of internal party power plays.



'We don't need a referendum to ditch the Monarch. We need much more ambition.'

To hang onto the job, party-room compromises are made and deals are done routinely.

Add to that the party room provides the only candidates for the cabinet ministries that comprise the executive.

The party room is a very small and often quite sterile pool of talent to draw from. Its personnel are significantly compromised by personal agendas and political ambition.

They were elected into the party room as representatives of their electorates not because of any particular skills to serve in cabinet.

You would not select a football

team the way we select our government.

We don't need a referendum to ditch the Monarch. We need much more ambition.

We need a full-blown review on how we are traveling since Federation?

We are 122 years down the track. We need to focus on a reformation and modernisation of our Federation.

Many believe we could and should shape a presidential executive republic. One that is particularly original and uniquely Australian in its elements. We already have much of the structure.

To those that fear the USA republican model we don't need anything like the complexity they endure. The benefits of such a change would be the injection of:

- **Much more talent and competency into executive government.** All Australians could be considered for service not just the political class. No one could serve in both executive and parliament.
- **Greater certainty of tenure and confidence from our elected leader** (the president). No threat from the party room. A leader's political capital could be deployed to make the hard decisions.
- **A genuine separation of power between government and parliament.** We would see vastly better outcomes and democracy would be greatly enhanced.
- **An empowered parliament free to pursue its true inquisitional function of the executive** with powerful committee structures pursuing truth. The slavish roll of the governing party defending the indefensible day after day would end.

It will take years to achieve the quality adjustments that are now so desperately needed. There is no need to rush the process itself but there is a need for urgency to get started. We must seize the historical moment.

The reality is we are not starting from scratch, as the Founding Fathers had to do. We have a very good base, we just need to take an honest look at what is not producing the outcomes we ought to expect and make those changes.

Garry Knapp
Port Macquarie
garry@garryknapp.com.au

RESPONSE:

The Real Republic Australia does not support an executive presidency model and will continue to advocate for our own direct election model.

But we do encourage discussion of the range of potential models on offer. We suggest that anyone interested in pursuing the approach outlined by Garry Knapp should contact him directly.

HAVE YOUR SAY

To read our discussion paper visit realrepublic.au.

Let us know your ideas: info@realrepublic.au.



Polling reveals mood for change

Many Australians now want to see the excuse for delaying an Australian republic popular with public figures including former prime minister Malcolm Turnbull – to wait until Queen Elizabeth II's reign ended – put into action.



Latest polling by the YouGov market research firm to test public attitudes a year into the reign of King Charles III show more people wanting swift action on the republic front.

YouGov interviewed 1,203 Australian citizens online between 2-5 September 2023. It also conducted polling in the UK (See next page).

Its Australian survey showed one in three respondents wanted a republic as soon as possible (32%). A similar number want to remain a constitutional monarchy for the long term (35%). (Top graph at right) In between were 12% of Australians who continued to use the previous excuse for a delay, saying that the nation should become a republic only once King Charles died.

YouGov said that the responses favouring a republic “as soon as possible” showed a 12-point increase since its poll a year before. It noted that the shift appeared to come exclusively from those whose opinion had been to wait for the monarch to die before becoming a republic (24% in 2022).

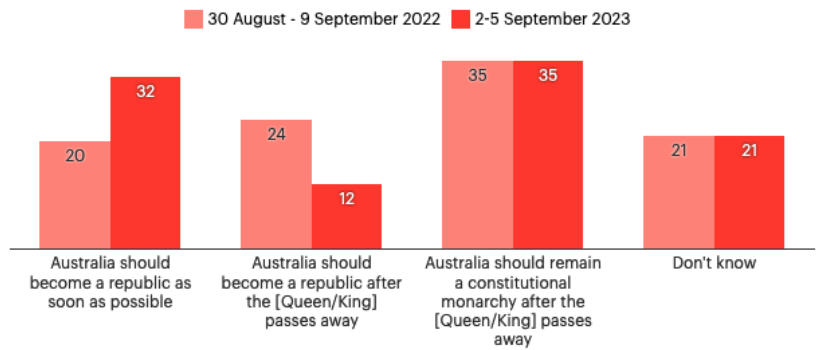
The survey showed 34% of respondents thought that the monarchy was good for the country versus 21% who thought it bad, with the most common opinion being that it was neither good nor bad (38%). (Middle graph at right) Only 13% wanted to see the monarchy expand its role in Australia and 35% wanted it to have a smaller role, while 43% opted for no change.

The YouGov polling showed respondents were evenly split fairly evenly three ways on whether King Charles would be Australia's last monarch.

There was also an expectation that a republic will happen eventually but 19% said Australia would still be a constitutional monarchy a century from now.

TIMING OF AN AUSTRALIAN REPUBLIC

Which is closer to your own view? %



YouGov

Latest data: 2-5 September 2023

ATTITUDES TO THE MONARCHY

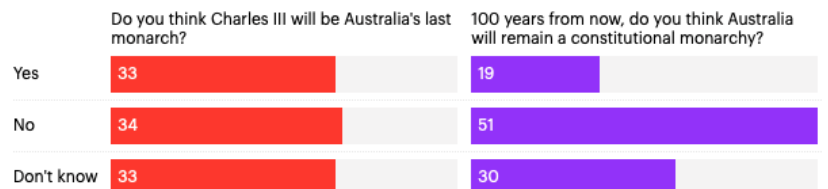
Generally speaking, do you think the institution of the monarchy is good or bad for Australia?



Do you think the monarchy should have more or less of a role in Australia?



EXPECTATIONS FOR CHANGE



YouGov

2-5 September 2023

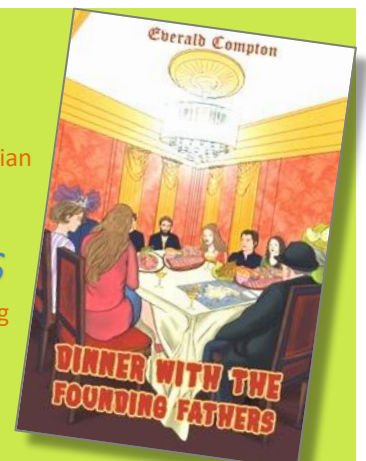
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Plenty of food for thought....



Activist, thinker, philanthropist, and author [EVERALD COMPTON](#) has imagined a number of get-togethers involving the framers of the Australian Constitution and some of our nation's more colourful political identities from the decades that followed Federation.

His book *DINNER WITH THE FOUNDING FATHERS* is an entertaining and provocative read for anyone interested in learning the lessons of our past that can help shape our future.



CLICK ON [THIS LINK](#) TO BUY YOUR COPY!

Younger Britons lean to a UK republic

FROM PREVIOUS PAGE:



The UK arm of YouGov also undertook polling across Great Britain to test public attitudes at the end of the first year of the reign of King Charles III.

It revealed continuing high levels of support for the monarchy among Britons, but distinctly different levels of support among different age groups.

The survey involved 2,020 respondents across Great Britain from 26 to 28 August 2023.

It **showed** 62% of Britons believed the UK should continue to have a monarchy with 26% saying the country should have an elected head of state instead.

A further 11% of respondents were unsure. *(Top graph at right)*

YouGov said public attitudes as indicated by its latest polling continued to align with previous surveys and showed “a general positivity towards the monarchy at a national level but a remarkable difference between generations”.

The survey found support for the monarchy strongest among older respondents. *(Bottom graph at right)*

Most people in older age groups support staying a monarchy, including 80% of the over-65s.

Just 37% of 18-24 year olds surveyed wanted Britain to remain a monarchy and 40% of that age group would prefer an elected head of state.

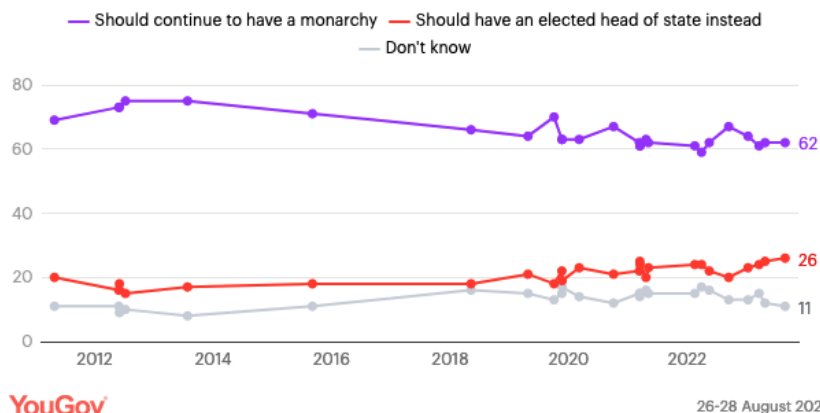
Respondents also split on political lines with 85% of Conservative Party voters saying the UK should continue to have a monarchy and only 9% backing an elected head of state.

By contrast, 48% of UK Labour Party supporters said they supported the monarchy while 43% preferred an elected head of state.

Of respondents living in England 64% supported the monarchy and 25% opted for an elected head of state compared with a 57%/37% split in Wales and 49%/38% in Scotland.

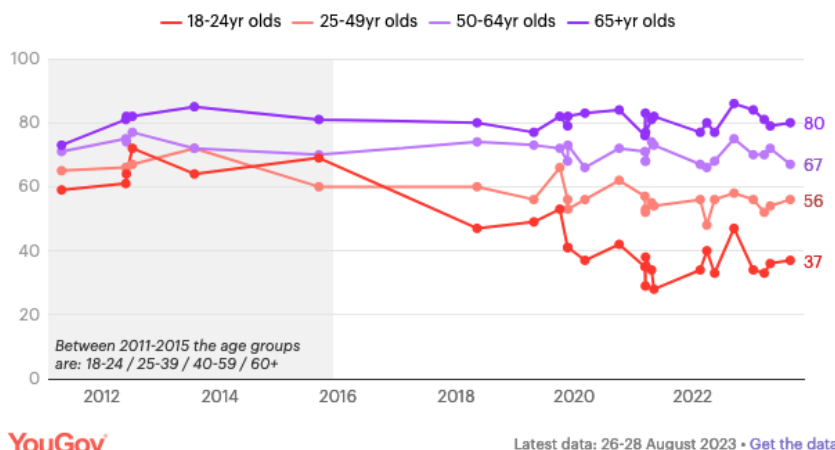
SUPPORT FOR MONARCHY

Do you think Britain should continue to have a monarchy in the future, or should it be replaced with an elected head of state? %



SUPPORT FOR MONARCHY BY AGE

Do you think Britain should continue to have a monarchy in the future, or should it be replaced with an elected head of state? %



[CLICK HERE TO SEE THE FULL RESULTS OF YOUNGOV'S UK POLL](#)

Our newsletter

Constitutional Conversation is published quarterly by the Real Republic Australia to promote debate about potential changes to the Australian Constitution including a republic with a directly elected Head of State.

The Real Republic Australia was founded by Brisbane's longest-serving Lord Mayor, the late Clem Jones (1918-2007) who led a team of Queensland delegates to the Constitutional Convention held in Canberra in February 1998.

They and delegates from other states believed that only a model for a directly elected Head of State would be approved by voters at a republic referendum.

Unfortunately, the failed 1999 republic referendum proved them correct. In line with his wishes, the Real Republic Australia continues to campaign for a republic based on the direct-election model.



Clem Jones



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